Reservation for OBCs in U.P.

2238. SHRI C. M. IBRAHIM : Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state :

(a) whether the State Government of Uttar Pradesh has had the Government's approval for reservation of posts and job opportunities earmarking a definite percentage of opportunities for the most backwards out of the quota for the other Backward Castes ;

(b) if so, the details in this regard;

(c) whether such proposals have been received from other State Governments also; and

(d) if so, the details thereof ?

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (DR. SATYANARAYAN JATIYA) : (a) to (d) No, Sir. The State Governments are empowered to earmark any quota of reservation in favour of different categories of backward castes within the over all limit of 50 % prescribed by the Hon'ble Supreme Court in the case of Indira Sawhney and Others *Vs.* Union of India and Others.

Inclusion of reservation policy in Ninth Schedule

†2239. SHRIMATI KUM KUM RAI : Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state :

(a) whether Government have any proposal to put reservation policy in the Ninth Schedule of Constitution ;

(b) if so, the details thereof; and

(c) if not, the reasons therefor ?

THE MINISTER OF SOCIAL JUSTICE AND EMPOWERMENT (DR. SATYANARAYAN JATIYA) : (a) No, Sir.

(b) Does not arise.

(c) Reservation Policy of the Government has been articulated through executive instructions, which have the force of law, as per the Supreme Court Judgement in the Indira Sawhney case. Since there is no Act on reservation, the question of including the Reservation Policy of the Government in the Ninth schedule of the Constitution does not arise.

†Original notice of the question was received in Hindi.